

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JAMES LOUIS DOCKEMEYER, JR.,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-13-1328-HE
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of the Social,	)	
Security Administration	)	
	)	
Defendant.	)	

**ORDER**


Plaintiff James Louis Dockemeyer, Jr., filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits. Consistent with 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b), the case was referred to Magistrate Judge Suzanne Mitchell, who recommends that the Commissioner’s decision be reversed and the matter remanded for further proceedings. The magistrate judge concluded the Administrative Law Judge (“ALJ”) failed to consider and address the Veteran Administration’s assessment that plaintiff is 100% disabled and failed to provide legitimate reasons for rejecting the opinion of Dr. Jorg J. Pahl regarding plaintiff’s mental limitations. The magistrate judge determined that those errors require the reversal of the Commissioner’s decision.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Suzanne Mitchell’s Report

and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

**IT IS SO ORDERED.**

Dated this 11th day of February, 2015.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE